

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the matter of:)	
)	
Paxson Indianapolis License, Inc.)	
v.)	CSR-5910-M
Charter Communications d/b/a)	
Interlink Communications Partners)	
)	
Request for Carriage)	

ORDER ON RECONSIDERATION

Adopted: November 5, 2002

Released: November 8, 2002

By the Chief, Policy Division, Media Bureau:

1. We reconsider on our own motion¹ our decision granting the must carry complaint filed by Paxson Indianapolis License, Inc. ("Paxson") against Charter Communications d/b/a Interlink Communications Partners ("Charter") for Charter's failure to carry television broadcast station WIPX, Bloomington, Indiana ("WIPX") on its Mitchell, Indiana cable system.² At the time of our decision, we believed that Paxson's complaint was unopposed because the Bureau had not received an opposition. Counsel for Charter subsequently informed us, however, that it had filed an opposition and it provided a copy for our records.³ In view of the arguments raised by Charter, reconsideration of our order is warranted.⁴

2. In its complaint, Paxson sought carriage of WIPX on Charter's cable system serving the communities of Mitchell, Marion Township, Orleans, Orleans Township, Paoli, Paoli Township, unincorporated areas of Lawrence County and unincorporated areas of Orange County, Indiana. WIPX stated that it was entitled to such carriage because the above communities were all located within the Indianapolis, Indiana DMA, as was the community to which WIPX was licensed. In its opposition, Charter points out that the communities of Orleans, Orleans Township, Paoli, Paoli Township, and the unincorporated areas of Orange County, Indiana are located in the Louisville, Kentucky DMA and not the Indianapolis DMA as stated in WIPX's complaint.⁵ As a result, Charter argues that WIPX is not entitled to carriage in these communities.⁶ Charter is correct that these communities, which are located in Orange County, Indiana, are part of the Louisville, Kentucky DMA. Therefore, these communities should not have been part of WIPX's complaint, and our action granting WIPX carriage in these communities will be

¹ 47 C.F.R. § 1.108. Section 1.108 authorizes the Federal Communications Commission to reconsider its orders on its own motion within 30 days of public notice.

² See *Paxson Indianapolis License, Inc. v. Charter Communications d/b/a Interlink Communications Partners*, DA 02-2635 (released October 16, 2002).

³ The copy Charter provided had an officially-stamped Commission date of receipt.

⁴ Although it was served a copy of this opposition at the time of its apparent filing with the Commission, counsel for Paxson stated that it filed no reply.

⁵ Opposition at 2.

⁶ *Id.*

rescinded.

3. WIPX also claimed in its complaint that it delivered a good quality signal to Charter's principal headend. In its opposition, Charter contests this conclusion and, in support, submitted a signal strength test demonstrating that WIPX does not provide a good quality signal that meets the signal strength criteria required by Section 76.55(c)(3) of the Commission's rules to the principal headend serving Charter's Mitchell, Indiana cable system.⁷ Charter states that it also has concerns that, in addition to insufficient signal strength, WIPX will be unable to provide an adequate quality signal because the station's current picture quality is poor.⁸ In light of WIPX's signal deficiencies, Charter maintains that it has no legal obligation to carry the station and its complaint should be dismissed.⁹

4. A review of the signal strength tests conducted by Charter, consistent with good engineering practices, demonstrates that WIPX does not currently provide a good quality signal at Charter's principal headend. We note, however, that WIPX stated in its complaint that, if it is unable to deliver an adequate off-air signal to the Mitchell system, it agreed to bear the costs of any equipment necessary to ensure the delivery of a good quality signal.¹⁰ Section 76.55(c)(3) of the Commission's rules allows local commercial television stations that fail to meet the signal strength criteria to provide, at their own expense, whatever equipment is necessary to ensure the delivery of a good quality signal to a cable system's principal headend.¹¹ WIPX has made this commitment and by doing so will be eligible to be carried by Charter when it provides a signal that meets the Commission's criteria. In view of the foregoing, we will amend our previous grant of WIPX's carriage in Mitchell, Marion Township and the unincorporated areas of Lawrence County, Indiana to be conditioned on WIPX's delivery of a good quality signal.

5. Accordingly, **IT IS ORDERED**, pursuant to Section 1.108 of the Commission's rules, that the Bureau's initial Order, DA 02-2635, **IS RESCINDED** to the extent that it grants carriage of WIPX in the communities of Orleans, Orleans Township, Paoli, Paoli Township, and the unincorporated areas of Orange County, Indiana.¹²

6. **IT IS FURTHER ORDERED**, pursuant to Section 0.283 of the Commission's rules, that Charter Communications d/b/a Interlink Communications Partners **IS ORDERED** to commence carriage of WIPX on its cable system serving the communities of Mitchell, Marion Township, and the unincorporated areas of Lawrence County, Indiana, sixty (60) days from the date that WIPX delivers a good quality signal to Charter's principal headend.¹³

FEDERAL COMMUNICATIONS COMMISSION

Mary Beth Murphy
Chief, Policy Division
Media Bureau

⁷ Opposition at Exhibit 2. *See also* 47 C.F.R. § 76.55(c)(3).

⁸ *Id.*

⁹ *Id.* at 3.

¹⁰ Complaint at 4.

¹¹ 47 C.F.R. § 76.55(c)(3).

¹² 47 C.F.R. § 1.108.

¹³ 47 C.F.R. § 0.283.